

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 97-107

A CEASE AND DESIST ORDER
REQUIRING
CUTLER-OROSI JOINT POWERS WASTEWATER AUTHORITY
TULARE COUNTY
TO CEASE AND DESIST FROM
DISCHARGING WASTE CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. Cutler-Orosi Joint Powers Wastewater Authority, hereafter Discharger, operates a wastewater treatment and disposal facility serving the communities of Cutler, Orosi, East Orosi, Yettam, Seville, and Sultana. The treatment plant is in Section 19, T16S, R25E, MDB&M.
2. Discharge from the facility has been governed by Waste Discharge Requirements (WDRs) Order No. 96-060 (NPDES permit No. CA0081485) adopted by the Board on 23 February 1996. Wastewater is treated in an oxidation ditch and a secondary clarifier. Effluent from the secondary clarifier is discharged to two locations. Discharge 001 is recycling of wastewater on 123 acres of Discharger-owned land, which is in Section 24, T16S, R24E, MDB&M. The Discharger grows fodder, fiber, and seed crops on the land. Discharge 002 is to Sand Creek, a water of the United States, which runs parallel to the treatment plant on its south and east sides. Discharge 002 occurs at a point in Section 19, T16S, R25E, MDB&M (Longitude 119°18'12"; Latitude 36°31'23").
3. WDRs Order No. 96-060 prohibits discharge or overflow of untreated or partially treated waste and has effluent limits for discharge 001 and 002.
4. On 23 February 1996, the Board adopted a Cease and Desist Order No. 96-061 for threatened violations of WDRs. The Discharger had failed to make plans for expansion of the WWTF and was operating the facility at full capacity. The Discharger had also failed to provide a disinfection system, to submit an irrigation management plan, and to provide a groundwater monitoring network. Order No. 96-061 has a time schedule on submitting an irrigation management plan, submitting plans and completing construction of a disinfection system, and implementing a groundwater monitoring network. The C&D Order also has a time schedule on increasing WWTF capacity. It requires the Discharger to conduct a study and submit a report on projected future flows by 15 June 1996, submit a Report of Waste Discharge for projected flows by 1 November 1996, begin construction by 1 March 1997, and complete construction by 1 September 1997.

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5. The Discharger submitted an irrigation management plan, constructed an ultra-violet disinfection system, and installed a groundwater monitoring network.
6. The Discharger projected future flows at the WWTF. The projected average flow for the year 2006 is 1.74 million gallons per day. The Discharger plans to refurbish two existing, inactive clarigesters and trickling filters and use them along with the oxidation ditch and the secondary clarifier for treatment of 2.0 mgd.
7. On 20 June 1997, the Board adopted Waste Discharge Requirements Order No. 97-106, which revised and replaced Order No. 96-060. Order No. 97-106 has the same prohibitions and discharge specifications as Order No. 96-060, except the following:
 - a. Prohibition on discharge to Sand Creek has been revised to reflect completion of construction of a disinfection system.
 - b. Discharge Specification on flow has been revised to allow a monthly average flow of 2.0 mgd after completion of refurbishing of the old clarigesters and trickling filters.
 - c. Sludge Disposal Specifications have been revised based on the inapplicability of Order No. 95-140, the General Order for reuse of biosolids and septage on agricultural, forest, and reclamation sites.
8. Section 13301 of the California Water Code, states, in part that:

“When the [Board] finds that a discharge of waste is threatening to take place in violation of waste discharge requirements ... the [Board] may issue a cease and desist order and direct that those persons not complying with the requirements ... comply in accordance with a time schedule set by the [Board]...”
9. The Discharger remains at capacity as it has yet to refurbish the clarigesters and trickling filters and bring them on line to increase the WWTF capacity. While the Discharger has progressed according to the time schedule in C&D Order No. 96-061, it has yet to fully comply with all tasks and remains in threatened violation of the prohibitions and discharge specifications of its NPDES permit. An enforcement order should remain in effect and, therefore, must be revised due to adoption of Waste Discharge Requirements Order No. 97-106.
10. Issuing an enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Title 14, California Code of Regulations, Section 13321.
11. The Board notified the Discharger and interested agencies and persons of its intent to consider adoption of a Cease and Desist Order and provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

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12. The Board, in a public meeting on 20 June 1997, heard and considered all comments pertaining to this Order.
13. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board to review the action. The petition must be received by the State Board within 30 days of date on which the Board took action. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED, pursuant to Section 13301 of the California Water Code, that:

1. Order No. 96-061 is rescinded and Cutler-Orosi Joint Powers Wastewater Authority shall comply with the following deadlines in increasing capacity of the WWTF:

<u>Task</u>	<u>Compliance Date</u>	<u>Report Date</u>
a. Begin repairing and replacing parts and appurtenances of the old treatment units, as necessary.	1 July 1997	15 July 1997
b. Complete all replacement and repairs and begin final testing of the treatment units.	15 Aug 1997	31 Aug 1997
c. Complete the refurbishment of the treatment units and certify that the units are operable.	1 Sep 1997	15 Sep 1997

2. If, in the opinion of the Executive Officer, the Discharger violates this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, GARY M. CARLTON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 20 June 1997.

GARY M. CARLTON, Executive Officer

SH:sh/fmc:AMENDED 6/20/97